

URBAN AREA PLANNING COMMISSION

MEETING MINUTES

May 27, 2015 – 6:00 P.M.

Council Chambers

1. ROLL CALL:

The Urban Area Planning Commission met in regular session on the above date with Chair Gerard Fitzgerald presiding. Vice Chair Jim Coulter and Commissioners Lois MacMillan, David Kellenbeck, and Dan McVay were present. Commissioner Blair McIntire was absent. There were two vacant positions. Representing the City was Parks & Community Development Senior Planner Tom Schauer and Associate Planner Justin Gindlesperger. Grant Specialist Scott Lindberg and City Council Liaison Rick Riker was present as well.

2. ITEMS FROM THE PUBLIC: None

3. CONSENT AGENDA:

a. MINUTES: May 13, 2015

b. FINDINGS OF FACT:

- i. 15-20100017 & 15-40200003 – McKenna Rogue River Development Comprehensive Plan Amendment, Zone Map Amendment, and Major Site Plan Review
- ii. 15-40500001 – Element 10 (Public Facilities) Comprehensive Plan Amendment
- iii. 15-40200002 – City of Grants Pass 2015 Map Amendments

MOTION/VOTE

Commissioner MacMillan moved and Commissioner Kellenbeck seconded the motion to approve the minutes from August 13, 2015 as submitted. The vote resulted as follows:

“AYES”: Chair Fitzgerald and Vice Chair Coulter and Commissioners Kellenbeck, MacMillan, and McVay. **“NAYS”:** None. **Abstain:** None. **Absent:** Commissioner McIntire.

The motion passed.

4. PUBLIC HEARINGS:

a. 15-10300003 & 15-3010004 – Hefley Street Partition and Major Variance

Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 15-10300003 & 15-3010004 – Hefley Street Partition and Major Variance. We will begin the hearing with a staff report followed by a presentation by the applicant, statements by persons in favor of the application, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, the public comment portion will be closed and the matter will be discussed and acted upon by the Urban Area Planning Commission. Is there anyone present who wishes to challenge the authority of the Commission to hear this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Seeing none are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application?

Vice Chair Coulter stated, I went out and looked at the site and saw a couple neighbors there, but we did not discuss the application.

Chair Fitzgerald stated, I have no problem with that. Do any other Commissioners have a problem with that? Seeing none in this hearing the decision of the Commission will be based on specific criteria which are set forth in the development code. All testimony which apply in this case are noted in the staff report. If you would like a copy of the staff report please let staff know and we will make sure you get you one. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. The hearing will now proceed with a report from staff.

Associate Planner Gindlesperger stated, this is a request for a partition and a major variance along Hefley Street. The partition request is to split an existing tax lot into two parcels. Parcel 1 will be approximately 11,000 square feet and Parcel 2 will be roughly an acre. It's located in the R1-8 zoning district. The existing lot configuration was actually formed through a previous property line adjustment in 2008 that combined the piece along Hefley Street with the bottom piece there. There is also a major variance request that is to the minimum lot width in the R1-8 zoning district. The applicants are requesting 60 feet where 65 feet is required. This is an aerial that shows the site. It is located along North Hefley Street just east of NE 10th Street.

The Tokay Canal runs along the east side of the property. The property is also currently vacant. Again, the existing property lines were created through a property line adjustment in 2008. The partition will be consistent with the surrounding development so Parcel 1 will be located along NE Hefley Street. The proposed parcels will also comply with the base lot standards including 20 feet of frontage for Parcel 2. Parcel 1 cannot be further subdivided and the maximum development potential will be completed with construction of a single-family residence. Future development of Parcel 2 may be limited due to the access width, the 20 feet of flag that accesses along NE Hefley Street. Any future proposed development is subject to the provisions of the development code including access and also setbacks. This is a copy of the applicant's proposed site plan. You can see Parcel 1 is there along Hefley Street and there is a 20 foot flag that goes back to Parcel 2. Staff is recommending approval of the application as proposed with the conditions that are attached in your staff report. Again, there are two parts to this application - the major variance request and also the partition. That is the end of my presentation and I am available for any questions.

Chair Fitzgerald asked, are there any questions for Justin? Seeing none would the applicant like to speak? Please state your name and address for the record.

Mr. Arnold stated, my name is Mitch Arnold and I live at 873 NE Tokay Heights in Grants Pass. I am here to see how it goes and say that I'm in favor of the proposal and hoping it goes through and I will take any questions if anyone wants to ask me questions.

Chair Fitzgerald asked, do any Commissioners have questions for the applicant? Will you be having your surveyor, Mr. Peter Allen, speak tonight? If so I will call him up, if not it is fine. It is up to you.

Mr. Arnold stated, nope that is all I have.

Chair Fitzgerald asked, Peter if you don't speak will you be available for questions? You decided to speak anyway?

Mr. Allen stated, yes, my name is Peter Allen. I am the surveyor for the project. Address is 321 NW A Street. I would just like to say I am also in favor of the Planning Department's decision

and their approval of the project as it has been presented to you there. Again, I'd be happy to answer any questions you have regarding the project.

Chair Fitzgerald stated, there was a letter that was put out and there was comment in the staff report about that. Could you elaborate for the record about the desire to have flag pole moved to the other side and why that was good or not good?

Mr. Allen stated, actually I just saw that about 15 minutes ago. To me it doesn't lend itself to the division there. It would create an awkward jog in the property lines by locating it over there on the west side of the property. By having the flag pole more centrally located just provides for better access and use of the property.

Commissioner Kellenbeck asked, was that flag originally there before they acquire the lot?

Mr. Allen stated, no, that was not part of the original partition or the property line adjustment that Justin spoke of. It was just two parcels there. We are now partitioning one of the parcels that was from the 2008 property line adjustment. The configuration for the lot that fronts on Hefley already existed back in 2008.

Chair Fitzgerald asked, are there any other questions for Mr. Peter Allen? Seeing none would anybody else like to speak in favor of this application? Seeing none would anyone like to speak in opposition to this application? Please step up to the mic and give your name and address for the record.

Mr. Tauriainen stated, my name is Robert Tauriainen and my address is 1331 NE 10th Street. My property is adjacent to the proposed Parcel 1. The first thing I was going to ask is the gentleman here said the variance for this is five feet. When I looked at the chart for a R1-8 it says it is a 70 feet minimum lot width. You're saying 65 feet so I'm thinking it is a 10 foot variance he's requesting, not a five feet variance.

Chair Fitzgerald stated, we will clear that up and make sure it's accurate.

Mr. Tauriainen stated, I'm not positive, but I was looking over the chart and that is what I figured it was.

Chair Fitzgerald asked, so you would be more in favor if it was 70 feet then?

Mr. Tauriainen stated, no, I'm not in favor of it at all. He has 1.25 acres there and I think if he wants to divide the property up I think he should divide it so it's within all guidelines.

Senior Planner Schauer stated, just to clarify in the package of amendments that were adopted as part of the urban growth work back in December there were some changes to the lot standards for different zones. That was changed from 70 to 65. We are getting all of those codes updated and there may be some old copies –

Chair Fitzgerald asked, so they may not be –

Mr. Tauriainen stated, that is what you have listed on your website.

Chair Fitzgerald stated, it may not be caught up on the website –

Mr. Tauriainen stated, that is what I looked at.

Senior Planner Schauer stated, we're getting those all consolidated and updated to reflect the current standards.

Chair Fitzgerald asked, is there anything else you'd like to say?

Mr. Tauriainen stated, I'm just opposed that you will grant a variance on a property that is that size. Why can't you make everything be legal?

Chair Fitzgerald stated, first of all, of course, you realize a variance is legal, but we're not going to hold a conversation –

Mr. Tauriainen stated, but variances should be an exception not an automatic granting.

Chair Fitzgerald asked, you read the criteria, right?

Mr. Tauriainen stated, yes.

Chair Fitzgerald stated, very well.

Mr. Tauriainen stated, I don't think it should be granted just because he divided that lot, created the flag part, and when he created the flag part he knew that parcel was no longer going to be able to be within the codes. When he did that now he is coming back saying I want to go ahead and still build on it when he has made this self-imposed restriction on that property by creating the flag. He did it to himself. It is not like anything that wasn't his fault. He has created the problem himself and I don't think he should be able to create two separate lots because of that.

Chair Fitzgerald stated, so noted, sir, thank you. Would anyone else like to speak in opposition to this application?

Mr. Whitehead stated, my name is Bob Whitehead and my address is 1019 Hefley Street. My main concern in opposition to this is my property is the tax lot that runs the entire length of the variance there for the driveway. The way he has that now with that road built up there the water, for the last three years, has flooded back into my yard and it has always been a swamp. That parcel is nothing but a swamp in there.

Chair Fitzgerald asked, which parcel are you talking about?

Mr. Whitehead stated, Parcel 1, my property is the one to the right of it.

Chair Fitzgerald stated, I just wanted to make sure I was looking at the right one.

Mr. Whitehead stated, what he does with the property is his deal. I've always told him that, but if he is going to make that a 20 foot wide road it needs to be pushed away from the fence so the water can go ahead and drain across there. This last winter wasn't bad at all but the couple years before since he's put that in there, it's deep.

Chair Fitzgerald asked, and the water runs off of that lot onto your existing lot now?

Mr. Whitehead stated, it runs down off of the hill from up on Hefley coming from right to left.

Chair Fitzgerald asked, so it runs from Hefley toward Parcel 2?

Mr. Whitehead stated, right it runs down through that open field there and around his part and Henry, I don't know Henry's last name, but...The four parcels you have there when Mr. Arnold started working this they all came up to my house.

Chair Fitzgerald stated, I see but it's not running on to your property today.

Mr. Whitehead stated, no, but in the winter time it does.

Chair Fitzgerald asked, it could?

Mr. Whitehead stated, it does.

Chair Fitzgerald asked, today? In the wintertime it runs off that property now onto your property?

Mr. Whitehead stated, before he put the road in there it ran and drained right on into the field and wherever. Now he has the road in there and it backs up into mine until it gets up even with the road and then it runs across the top of the road. He put a drain in that corner up there where it makes the bend around there but water never gets up that high it goes back into my place and then out into the field. Almost every winter since he started this all three of the houses down below it have been up to my house complaining about the water that has been in there. That is my concern. What he does with the back piece of property that is his property, he can do what he wants.

Chair Fitzgerald stated, very well sir, thank you. Would anybody else like to speak in opposition to this application?

Mr. Miller stated, my name is Dutch Miller and my address is 1047 NE Hefley. My little history on this lot is my father-in-law lived on the lot on the street for 50 years. I was talking to him one time about that piece of property and said it might be an investment property for my wife and me to make. He said it is now and always has been in the winter months a swamp. Everything

runs downhill and that is the low point in the basin when they developed 10th Street so it tends to be a catcher. It looks like there has been a lot of gravel hauled in there and put in place. Was there a survey done ahead of time? Was the fill done properly or has it increased the amount of flooding that is going to happen in the houses around there? There are underground springs coming down off of the hill because we have one that, in the wintertime, floods underneath our bathroom. It's underground but I think they all come out and end up down in that space. Since they have put the Tokay Canal in a culvert instead of an open canal like it was for years and years, that helped divert all of that water, it would come down and hit that and go on down the canal. It is now even exacerbated even more. The area it is covering if we have a real good old Oregon winter I doubt that Whitehead will be able to get into his backyard the way it's configured right now. Something needs to be studied. Somebody needs to walk up there with an interest for the people in the surrounding area rather than the interest of just the guy with the money doing the development and come up with a solution before the construction is started. If not, you're going to have an exacerbated problem and since this is on the record and you know about it we get back on the City, thank you.

Chair Fitzgerald stated, thank you. Would anyone else like to speak in opposition to this application?

Ms. Blauser stated, my name is Tami Blauser and my address is 1024 NE Hefley. I live across the street. I have a flag lot situation and when we did our flag lot we had to do the 20 feet for a driveway and then we have to have at least 75 feet for circumference for a house to be put there. Am I understanding that has been changed to 65 feet?

Chair Fitzgerald stated, yes ma'am.

Ms. Blauser stated, so what he is asking then is for it to be 60 feet it? Is that what it means?

Chair Fitzgerald stated, yes ma'am.

Ms. Blauser asked, so what kind of house would be put on it? Would it be two-story then to be small –

Chair Fitzgerald stated, that would be a matter of the Building Department taking that up at that time ma'am.

Ms. Blauser stated, how about if we were able to move the driveway on the other side for the Whiteheads because their master bedroom is smack behind that driveway? Or something that the use would be –

Chair Fitzgerald stated, nothing in the criteria says we get to move it for master bedrooms unfortunately. The criteria we have to go by is –

Ms. Blauser stated, I understand the criteria I'm just saying if you want the neighborhood... you know what's going on... this backyard is on the other side it's not master bedroom for a driveway, but okay.

Chair Fitzgerald asked, is there anything else? Would anybody else like to speak in opposition to this application?

Ms. Miller stated, my name is Susie Miller and my address is 1047 NE Hefley. I don't know whether there's been a traffic study done on Hefley. Since they opened up Beacon Drive we get a lot of traffic coming down Hefley and we have a lot of kids that play out in the street. How do you warrant a traffic study or something?

Chair Fitzgerald stated, we will address that with staff ma'am. They are the ones that have the prerogative to whether or not a TIA is necessary. We will ask them. We will get them to respond to that for you.

Ms. Miller stated, thank you.

Chair Fitzgerald stated, you are welcome. Would anybody else like to speak in opposition? Would the applicant like to have some rebuttal to the comments before I turn it over to staff for their time?

Mr. Allen stated, Peter Allen again, just to address the lot configuration, again, we are trying to make good use of the property there. The code does require that each parcel created has 20

feet of frontage on the public road, but they are also opposed to having flagpoles that are side-by-side. If we were to try to divide the property up further and creating the parcels toward the rear or to the south then we would run into that issue as well as having the unused portion of the front parcel there. Again, the parcel configuration as it exists right now is not something that was self-created. It is an existing situation that we're trying to make the best use of. As far at drainage, the City building code requires that drainage doesn't cross lots. It sounds like right now there may be some of that already happening. The applicant will try to do his best to contain that drainage and if need be we will get an engineer involved to look at that for some recommendations. Obviously, he's trying to create a desirable situation and infill this property as the other residential lots have done along Hefley Street there. Are there any other questions I can answer?

Commissioner Kellenbeck asked, has the driveway been constructed since the purchase of the lot?

Mr. Allen stated, my understanding is just very roughly. I think Mr. Arnold just brought in some gravel so he could drive back to the rear portion of the property. It is not in its final state. That will need to be addressed and a final grade revised or designed or whatever is necessary to make that a usable driveway.

Commissioner Kellenbeck asked, do you know the elevation of the gravel? Did he build a dike for instance?

Mr. Allen stated, it may be somewhat elevated. I'm not certain. We didn't do a complete topographic study on it there at this point of the project. If there is a situation where it is damming up the water we can address that by french drains or culverts or other things engineering-wise that would alleviate the storm drainage run-off then that could be addressed.

Chair Fitzgerald asked, are there any other questions for Peter? Are there any other questions you want to answer? What about the swamp issue brought up? It isn't on the wetlands inventory, but is there a (inaudible) of water there?

Mr. Allen stated, I honestly don't know. I haven't seen it in a real wet situation as some of the neighbors have described. Again, Mr. Arnold is a builder and feels like he can construct a house there.

Chair Fitzgerald stated, thank you Peter. Justin you're on.

Associate Planner Gindlesperger stated, as Tom addressed the minimum lot width has changed with previous code amendments. The lot configuration was put in place prior to this applicant purchasing the properties. If any fill was placed on the property if it is greater than 50 cubic yards it would require a permit for that so we can check to see if that has happened. As far as drainage is concerned, for future development drainage can not cross property lines but the applicant has to control the post-development run-off so it doesn't exceed the pre-development run-off. The downstream properties do have to accept a certain amount of drainage but future development can't exceed that. The location of the flag – we did receive a public comment about locating it on the west side as opposed to the east side. Staff felt it had the potential to impact more properties and there is also the request from GPID for easement along there so it actually may impact that as well. We could add a condition that at the time of proposed development it would have to comply with the City's drainage requirements at that time.

Commissioner MacMillan asked, so under Criteria 11 Recommendation of City Engineer and 11b the Flood Hazard and Slope Hazard is that where you're talking about adding a condition? It says staff response is not applicable.

Chair Fitzgerald stated, it is not in the Flood Hazard, but what Justin is talking about is adding a condition of approval that would require it meet the drainage standards for the City. Correct?

Associate Planner Gindlesperger stated, correct.

Chair Fitzgerald stated, which would then speak to what Mr. Miller was addressing.

Vice Chair Coulter stated, correct me if I'm wrong Justin, but wouldn't that requirement be redundant? We could make it a condition of approval, but it is going to be a requirement anyway once it gets to developing the property.

Associate Planner Gindlesperger stated, yes that is true.

Vice Chair Coulter stated, so we can do it, but it is redundant.

Chair Fitzgerald stated, we will draw attention to it this way with specificity. Is there anything else Justin?

Associate Planner Gindlesperger stated, no.

Chair Fitzgerald stated, we will now close the public portion and we will turn this application over to the Commissioners for deliberation and decision.

Commissioner MacMillan stated, I need some wisdom from the Commission on Criterion 9. I don't know if this goes underneath it, but to me, where that flag is placed to get to Parcel 2, there's no other way to get to Parcel 2 because you would have an adverse impact if it was placed on the other side. It has to be placed on the side it's presently presented to us or it would create an adverse impact. Am I correct in seeing that or not?

Vice Chair Coulter stated, that would be true. However, if you stretch it outside of it, for example, if we didn't approve the major variance but we approved the lots then at that point he couldn't develop Lot 1. But the flag pole driveway then could be moved toward the middle without having mitigating impact. Does that make sense to you?

Commissioner MacMillan stated, if you moved it in the middle of the lot you couldn't even develop Parcel 1. Is that what you're saying?

Vice Chair Coulter stated, that is what I'm saying. If we disapprove the variance then Lot 1 doesn't get developed but you could move the driveway and develop Lot 2. You can do that. That is one of our –

Commissioner MacMillan stated, to my knowledge, in the last 20 years I've been on here, we've never had a flag in the middle of a parcel. Have we?

Chair Fitzgerald stated, it depends on where the design works best, but in this particular application it doesn't work on the other side as well as it works on this side. The issue of causing drainage runoff onto the other lots is something that is not going to be with the additional condition we put in. We're making sure that is addressed because you can't run water drainage onto another property. However, the idea of if it's already running off onto it and there had not been, that's why Mr. Kellenbeck was addressing the idea of how much that had built-up and so forth, was it creating the damming issue. Or was it automatically, presently, with no changes running off onto the other piece of property? By putting in the additional condition I think we're addressing that was the case, that it was running off previously, it will be addressed now. Is that what you understand Mr. Kellenbeck?

Commissioner Kellenbeck stated, actually I'm not really in favor of putting the flag right next to Mr. Whitehead's house. His bedroom is right there. I don't know the distance but it's probably 10 feet, I'm thinking. There is plenty of room on Parcel 2 to make two lots. You can reconfigure Parcel 1 and put it down into the Parcel 2 area and you have a flag, two flags actually at that point, which we've dealt with before.

Chair Fitzgerald stated, yes, side-by-side.

Commissioner Kellenbeck stated, side-by-side is better than a flag right next to Mr. Whitehead's house.

Vice Chair Coulter stated, of course David if we don't approve the major variance that becomes a moot point because then if they develop Lot 2 then, and I was going to tell you Lois, it doesn't have to be shifted to the middle. It can be shifted maybe 10 feet, that kind of thing. It doesn't have to be shifted a lot to the west side. That is something we can do based on the criteria. Does that make sense? Because I gave ex parte I went out there and looked at it and, yes, it is elevated David, marginally, not a lot. In my opinion, I would think most of the runoff was there before and this has just exacerbated it because of that little bit of lift you get more runoff than before. Yes, I did see the canal. I know it was an open canal. There are only about two outlets on the east side of Mr. and Mrs. Whitehead's property. That would totally exacerbate what was running off before because it's going from an open canal to that little thing. It's my opinion if you have a lot of water it can't even come close to bringing it in and that is not what the irrigation canals are primarily meant to do that is a secondary function.

Chair Fitzgerald asked, Justin is there any more? Let's see what you have in mind. What do you have in mind David? I have closed the public portion, we're discussing it now, so you can have at it Lois.

Commissioner MacMillan stated, I'm really deferring to you right now Mr. Kellenbeck. I can see it both ways. Before I came to the meeting I saw no other way to put this. For the applicant to have access to Parcel 2, the way they want it, the only way you can get to it is the way it is. Is that correct? If they didn't want to split Parcel 2, like you drew here, in your opinion do you think it meets Criterion 4 – No Other Reasonable Alternative?

Commissioner Kellenbeck stated, I think there are reasonable alternatives. Parcel 1 doesn't need to be a developable parcel as it exists today. I think the impact to the neighbors is greater in this configuration than if they moved Parcel 1 down and made better use of Parcel 2.

Vice Chair Coulter stated, I agree with you completely. It meets the criteria for us to not approve the major variance. I'm inclined to approve the lots. I don't see where we can, by criteria, correct me if I'm wrong, but by criteria, that we can't at this point.

Commissioner MacMillan stated, sure you can. You can make a decision but sure you can.

Vice Chair Coulter asked, where?

Commissioner MacMillan stated, under Criteria 4 - No Reasonable Alternative. I really don't know what I'm going to decide right now.

Vice Chair Coulter stated, that criterion is for the major variance not the lot approval.

Commissioner MacMillan stated, right.

Commissioner Kellenbeck stated, that's the question. Do you approve the variance?

Chair Fitzgerald stated, that's the first issue that has to be decided anyway.

Commissioner Kellenbeck stated, I'm not in favor of approving the variance.

Vice Chair Coulter stated, you and me both.

Chair Fitzgerald asked, predicated upon what failure on the part of the criteria would you suggest? What do you feel? David, why are you saying that?

Commissioner Kellenbeck stated, I'm saying that because of the impact to the neighbors.

Commissioner MacMillan asked, and what part of the criteria is that?

Vice Chair Coulter stated, 4.

Chair Fitzgerald stated, he is looking at the fact that there is a reasonable alternative.

Vice Chair Coulter stated, so it is Criterion 4.

Chair Fitzgerald stated, Criterion 4 says there is no other reasonable alternative and he is saying there is a reasonable alternative so therefore it fails the litmus test for the variance. That is his position. What is yours?

Commissioner MacMillan stated, I would agree with 4 but it also doesn't meet Criterion 5 then if we agree that is not how it goes. It also may not meet Criterion 5.

Chair Fitzgerald stated, that's true it may not.

Vice Chair Coulter stated, that is true.

Chair Fitzgerald stated, that is saying that is the best alternative and it may not be the best alternative if that is the case.

Commissioner MacMillan stated, Criterion 7 and 9 talk about the impact on the neighbors. I think that is the area, maybe 9, on mitigating adverse impacts.

Commissioner Kellenbeck stated, that is true, that would be applicable.

Chair Fitzgerald stated, and he's also talking about in this particular criterion about "preserve the property right", which David was addressing earlier, of the fact that it does not lose the property right simply by not having the variance. It still could be developed. Is that your position David? Did I get that right?

Commissioner Kellenbeck stated, yes you did.

Vice Chair Coulter stated, I looked at the partition criteria before and I don't see a criterion for us that we can disapprove the lot partition. I'm looking at the six criterion

Chair Fitzgerald stated, we have to discuss the major variance first. Whether the vote goes up or down on the variance will impact largely upon anything else. If it's approved then we start looking at the lots separately and see if that's a plan. But if the major variance doesn't go that can't function so therefore the site plan is irrelevant at that point to us because you can't make it work.

Vice Chair Coulter stated, we could make the partition work.

Chair Fitzgerald stated, no, we are not in the business of redesigning. That is Peter's job.

Vice Chair Coulter stated, I'm not saying we are but I still think we can do it.

Chair Fitzgerald stated, we can't.

Vice Chair Coulter stated, I disagree with you respectfully.

Chair Fitzgerald stated, we can't erase it.

Senior Planner Schauer stated, for clarification, there are standards for land division where the language basically says "complies with all applicable development standards". If this application came in without a request for variance it would have to be denied because Lot 1 doesn't meet lot standards because it is substandard in relation to width. In order to approve the partition the

variance goes with it and that variance would have to be approved for the partition to be approved.

Chair Fitzgerald asked, would you like to make a motion Mr. Coulter?

Vice Chair Coulter asked, major variance criteria first?

Chair Fitzgerald stated, yes we have to deal with the major variance first so if that doesn't go then the design of the lots becomes irrelevant.

Commissioner McVay stated, under the Characteristics of the Property - Storm Drain says "not identified". It would seem to me that would be one of the first things before you built anything or considered any building would be the drainage. As Mr. Whitehead said they haven't even identified the storm drain. I don't know if that is the process now or later on.

Chair Fitzgerald stated, later, when they are going to do a site plan and actually develop the property. This is even to get them to that first step.

Senior Planner Schauer stated, I might be able to clarify. That section is discussing proposed public utilities in public. If it was possible for the applicant to drain Parcel 1 to the right-of-way and Parcel 2 to the right-of-way without a public storm drain they could do that private drainage out to the public right-of-way and public facilities there if the public facilities met requirements. It wouldn't necessarily be providing public storm drain on the properties.

Chair Fitzgerald stated, the short answer is not now.

MOTION/VOTE

Vice Chair Coulter moved and Commissioner Kellenbeck seconded the motion to deny the application for major variance based on not meeting Criterion 4, 5, and 9 in the staff report. The vote resulted as follows: "AYES": Chair Fitzgerald and Vice Chair Coulter and Commissioners Kellenbeck, MacMillan, and McVay. "NAYS": None. Abstain: None. Absent: Commissioner McIntire. The motion passed.

Chair Fitzgerald stated, since the major variance was denied the rest of the application is moot.

5. WORKSHOP

a. Public Outreach – Community Development Block Grant (CDBG).

Chair Fitzgerald stated, we have a workshop now. Do we adjourn or not? Tom do you want this workshop on the record or not? Yes? It's on the record then. Now we will have a workshop. The workshop is Public Outreach - Community Development Block Grants.

Grant Specialist Lindberg stated, the purpose of this meeting is to help receive input and provide a little more staff direction on the proposed CDBG program and help narrow down some of the issues we need to draft our consolidated plan and then also help us with the community needs assessment. As the way of history, since the city is now part of a Metropolitan Statistical Area and we are the primary city of that MSA, we become let's refer to it as an entitlement status with Housing and Urban Development's CDBG program. That means that we would receive a direct allocation of funds from Housing and Urban Development (HUD) if the City decides to put together a consolidated plan and an annual action plan to show how we are going to tackle community development needs using their funds. If we don't want to do that we can defer like we did a couple years ago and continue to participate in the State program. What we are trying to do is provide some information for the Planning Commission on this and then provide the Planning Commission the opportunity to act as a sort of Citizen Advisory Committee (CAC) to help us with housing needs assessments, community needs assessments, non-housing needs assessments, and things the community needs. It will also provide members of the public an opportunity to bring things to your attention that can help direct us when we draft our consolidated plan. Some of you have seen these slides before. Truly, the point of the CDBG program is to help local governments solve problems. Typically you look at projects that deal with housing issues or community blight or economic development and bringing some of the things that a community needs to be a viable urban center. As I mentioned earlier there are two parts to CDBG - Entitlement and State. Entitlement is when you receive the direct allocation from HUD and the State program is all the money that doesn't go to entitlements goes to the States and then the States set up a competitive process to distribute those funds. The City has competed in some CDBG programs in the past. The new food bank facility was a competitive award. The (inaudible) systems programs we've done have been competitive awards. We've worked with the State pretty successfully over the years but the State program does have limitations. The activities that are allowable are relatively restrictive, it

is competitive, and we don't have as much say in the direct tailoring of the CDBG program. However, you do have access to greater sums of money. For instance, the food bank reward was \$1.5 million. That would be several years' worth of CDBG direct entitlement allocations to the City to add up to \$1.5 million. It is a trade-off. If anybody has questions go ahead and ask during the presentation.

Commissioner MacMillan asked, I guess I misunderstood. Can you be both? Entitlement and State?

Grant Specialist Lindberg stated, no you have to be one or the other.

Commissioner MacMillan asked, you have to choose? You have to pick a team?

Grant Specialist Lindberg stated, yes.

Commissioner MacMillan asked, is there far more money with the State but less flexibility?

Grant Specialist Lindberg stated, that is correct and it is competitive. You have to beat other people that want to build other community facilities.

Chair Fitzgerald asked, who got the \$1.5 million?

Grant Specialist Lindberg stated, the food bank.

Senior Planner Schauer stated, maybe this would help clarify. We were competing under the State program until after the 2010 census when we got big enough to qualify for entitlement status. We were invited to become entitlement status and the City Council opted to seek that route so we are now an entitlement status community.

Grant Specialist Lindberg stated, that is an important point. Council has already set the direction that entitlement status is what the community ought to do so now we are embarking on the consolidated planning process to help figure out how to do that and I will explain a little bit more. The funds come from HUD, as I said, and the primary objective is to create viable urban communities. They do that by expanding economic opportunities and providing decent and

suitable living environments. Any of the projects that are done, any of the activities, have to meet one of the national objectives. Those are benefiting persons of low to moderate income and projects that prevent or eliminate slums or blight. Those old-style urban renewal programs that we think of where cities were clearing whole neighborhoods and building housing projects and freeways, those are old-style (inaudible) blight and none of that is really allowed anymore. Then, there are also projects that meet urgent community needs that you don't have any other funding for. Those needs have to be a serious and immediate threat to health. So, for instance, if the water plant failed you could declare an emergency and access funds to help with that. I've never actually seen that used before so I don't know how it works but it is one of the objectives. Here is a flowchart that helps explain how they all fit together. Typically with CDBG what you look at is either the slum and blight or the low-mod categories. Under low-mod categories, for instance, you have to show how you are meeting the low-mod population either by a specific area, by limiting the clientele to individuals that are low to moderate income, housing for people that are presumed to be low to moderate income, or providing economic opportunities or jobs for people that are of low to moderate income. Here is a list of eligible entities. Usually the ones cities have worked with in the past are the economic development, homeowner assistance, housing services, or public facilities. Any of these activities are eligible.

Commissioner MacMillan asked, because you put in the housing services do we have a low income housing inventory?

Grant Specialist Lindberg stated, I will show you some information further on that. It talks a little bit about that. There are things that are specifically not eligible such as general government buildings, general governmental expenses, or political activities.

Chair Fitzgerald asked, where would acquisition of real estate come in? How would that play? Would it have to be connected with a HUD housing or a specific low-mod –

Grant Specialist Lindberg stated, the acquisition of property is eligible if the end project is also eligible. For instance in the food bank scenario, if we needed to buy property to build the food bank you could use CDBG funds to buy the property and then the activity would also have to be eligible.

Chair Fitzgerald asked, can you tie the acquisition of rural property to economic development?

Grant Specialist Lindberg stated, potentially.

Chair Fitzgerald stated, therefore you (inaudible) the acquisition by virtue of the fact it's economic development?

Grant Specialist Lindberg stated, I don't know all the specifics yet. I will admit that right now.

Chair Fitzgerald stated, let me give you an example. Could you tie in, for instance, the acquisition of the Spalding Industrial Park and because of it being economic development –

Grant Specialist Lindberg stated, you would have to show a direct tie to one of the national objectives.

Chair Fitzgerald stated, I don't think it fits. It could be an urgent need for Spalding.

Commissioner MacMillan asked, could it fall under jobs?

Chair Fitzgerald stated, that is what I was saying. If you could tie the acquisition to economic development can you use it to float its boat?

Grant Specialist Lindberg stated, I don't know exactly. The first sniff test says probably not unless you are specifically benefiting low to moderate income people. If you're doing a job project for people that are low to moderate income then you could justify it. It would be harder for other types of projects. We have a whole binder and this is just one of several so if there are more specific questions we can look into it or I can lend this to people or point you to wherever on the internet to find it too.

Vice Chair Coulter asked, can we get that PowerPoint presentation in hard copy format please? I'd appreciate that.

Grant Specialist Lindberg stated, sure we can do that. Then there are some items that are generally ineligible. Sometime they are eligible if, once again, you can show they have a direct relation to an eligible activity. At least 80% of your funding has to go to projects that directly

benefit people of low to moderate income. Low to moderate income is defined as less than 80% of the median family income for the area. [Unknown speaker off mic asked what the area boundaries were, Josephine County? Urban Growth Boundary? Within the city limits?] I can't remember if it is city specific or Josephine County specific. I'll have to look into it. You can use up to 15% of the funding annually for public services, so you could use it for funding operations or purchasing services for crime prevention, childcare, homeless services, or whatever. Up to 20% of the cost annually can go to administering the program. One of the hoops we have to jump through in order to participate in the entitlement program is we have to come up with a consolidated plan. The best way to look at a consolidated plan is trying to think of it as a capital improvement plan. You have a five-year planning period. You set the general goals you are trying to meet and how you're going to do it over the five-year period. Then, you have an annual action plan that specifically lines out your yearly activities, your yearly budget, what specific projects you are going to do, and what specific goals you are going to meet. HUD has predetermined topics. We need to show the public involvement process, various needs assessments, the housing market assessment, what our overall strategic plan is for the five-year period, and then we have to show what our expected resources are in it addition to the CDBG funds. If we have any other matching funds, in-kind staff, public private partnerships, or whatever we have available to show HUD that their funding isn't happening in a vacuum and that it is part of a larger system. Finally, the goals, objectives, and activities have to show direct relation to meeting one of the three national objectives.

Chair Fitzgerald asked, can you use these funds in conjunction with a P3, public-private partnership?

Grant Specialist Lindberg stated, yes, if there is a direct relation to one of the national objectives. I don't see why you couldn't. The annual action plan gets updated each year and has the same public involvement as the consolidated plan. As I said, that is what determines your actual annual activities. This is the process. Those people that went to planning school will recognize the rational planning model. You look to see what your current status is, you gather information, you come up with a plan, you provide everyone an opportunity to comment on the proposed plan, you put into place, you implement it, and then you do it again and again and again. Right now we are essentially at this point here. We have begun some of the stakeholder meetings and we have gathered public input. We've had two previous stakeholder

meetings with various civic groups and service agencies throughout the community and they provided comments.

Commissioner MacMillan asked, who are the stakeholders? Can you give me an idea? So you've had this meeting... I was back at Step 1 and you're already at Step 4.

Grant Specialist Lindberg stated, this meeting is kind of in the middle, maybe Step 2 because we are still taking community input. For instance, at the last meeting we had UCANN, Sobering Center, Gospel Rescue Mission, Boys & Girls Club, Options for Southern Oregon, Josephine County Housing Council –

Commissioner MacMillan asked, how did you do that? I don't need to know the specific people. I'm kind of getting the idea. When you created this stockholders meeting did City Council, the Mayor, or the staff seek out these people? Is that what you're saying?

Grant Specialist Lindberg stated, yes we sent out about 40 or 45 invites and they are the agencies that work most with low to moderate income individuals or housing issues or economic development issues in the area.

Commissioner MacMillan asked, did that stockholders meeting indicate what the economic indicators and market conditions are?

Grant Specialist Lindberg stated, no but we'll get into that.

Senior Planner Schauer asked, Scott we did outreach to the general public through the newspaper and the website as well, correct?

Grant Specialist Lindberg stated, yes that is important too. There were also open meetings and open houses for anyone that was interested so they could come and participate and provide input.

Vice Chair Coulter stated, I have a question back on the strategic plan, the action plan. It's funded for one year. What is the likelihood, if we have a good strategic plan, that we will be funded in each of the four out years?

Grant Specialist Lindberg stated, if we meet the certain thresholds, address all of HUD's criteria for the program, provide adequate and appropriate public involvement, because that is what CDBG programs are all about is community outreach and trying to get community groups work together, and as long as and we address any comments we have during the comment period; unless there's a huge issue where we are not complying with one of the federal statutes it is my understanding HUD has to approve our consolidated plan and our annual action plan.

Senior Planner Schauer stated, under the State program we were competing every time we applied for a project. This is a formula where we get an allocation as long as we continue comply with the program requirements and provided the programs continue to be funded.

Vice Chair Coulter asked, Tom are you seeing other cities generally getting refunded if they're doing the strategic plan and meeting all the criteria? Is that pretty much occurring?

Senior Planner Schauer stated, that is kind of the purpose of entitlement. Maybe guaranteed is not the right word, but you are no longer competing for funds. You are an entitlement community which means you are entitled to a certain percentage of those federal funds directly rather than having to compete for those funds that had (inaudible) to the State to distribute to communities.

Vice Chair Coulter stated, thanks for the clarification.

Grant Specialist Lindberg stated, when we're looking at selecting activities and trying to assess community needs the general outline is you have to determine if the activity is eligible. We also have to make sure it's not specifically ineligible. Then, we have to show how we are meeting one of the national objectives through the activity. Then, on the backend, we also have to make sure that at least 70% of the funds we are allocating every year are being spent on programs that directly benefit persons of low to moderate income. We have to show and justify to HUD that all of our expenditures are necessary and reasonable. We also have to complete any environmental review processes that would come if there are any capital projects or anything else where we are doing something that could affect the human or natural environment. The first circle, step number one, is showing what the community looks like. I can show you maps that show what the community looks like based on census data or other American community

surveys or the consolidated housing assessment surveys that show what is going on in our census tracts. All of this data has to be included in the consolidated plan to once again justify that we are meeting all of the national requirements. I don't have to go through all of these maps I just wanted to show you some of the information. I won't go through all of these in detail unless someone has specific questions.

Vice Chair Coulter asked, does HUD provide the City with counsel? Do they have a downlink to help out or are we standalone as we move forward with our strategic plan?

Grant Specialist Lindberg stated, counsel or what was the second thing you said?

Vice Chair Coulter stated, to provide us a downlink for advice or if we're out of standards on something. Are they helping us or are we standalone and we present it and it is either pass or fail?

Grant Specialist Lindberg stated, we have a representative from HUD who has been our point of contact. The draft consolidated plan and annual action plans go to HUD for comment. We submit our final drafts and if there are any problems we have the chance to fix them before final submission. Then it goes to Washington DC and I think it gets published in the Federal Register or something like that. We are working with HUD, the direct involvement, I won't editorialize it, it's a daunting process for us. This is our first time. They are there and they are available. Here's the median household income if anybody wants to know by census tracts. We've got some changes in household income. These are all things we show as community indicators that we put into the consolidated plan to show what our problems are in the community and what programs we are going to use to address them.

Commissioner MacMillan asked, the dark purple is the lower end of the poverty?

Grant Specialist Lindberg stated, yes, it has the highest concentration of poverty.

Commissioner MacMillan stated, that is where I work.

Grant Specialist Lindberg stated, HUD's mapping leaves some things to be desired. You can't change the colors. I'm red/green colorblind so if you get those two things together I have

trouble figuring out it what is what. We can show any changes in the poverty rate over the census period. We can show changes in population by age groups. This was actually kind of surprising to me and that is why I included it. In Ward 2, the northeast part of town, we've actually had a 15% decrease in people 65 or older. In the next population group which is 25 to 65 we had a slight increase in that same zone. Young adults either held at zero or dropped a little bit. This is important for people to remember, especially for me to remember, is if it seems like I don't have the answer to your question it's probably because I don't have the answer to your question. This is the first go around that we've done as a city and I'm learning it too as you guys are learning it.

Commissioner MacMillan asked, did you have a representative sitting there looking at these maps of the school districts?

Grant Specialist Lindberg asked, did I have anybody from the school district looking at the maps?

Commissioner MacMillan stated, as a school district employee it's fascinating.

Grant Specialist Lindberg stated, no I didn't. All of these maps are publicly available. If you're interested I can show you how to access the data. It is interesting if you like demographics. Now we get into some of the more confusing things. Housing cost burden is something that's very important when you're looking at the CDBG program especially if one of your goals is to provide decent and affordable housing. What we can see is that in some parts of town, the area between Bridge Street and the railroad tracts for instance, you have more than 50% of the households in that area paying more than 30% of their monthly income for housing. That is the darkest color. Pretty much anything within the city limits has a substantial housing cost burden. We also have a constrained rental supply, especially in that same area. We'll compare apples to apples so in that same area where people call had a high housing cost burden they also have a constrained rental supply.

Senior Planner Schauer stated, there is probably a bit of that with the downturn of the economy. You probably have people who may have previously owned their homes, they were foreclosed on, people who have means that don't want to pay the maximum they can pay for housing. You sometimes have that compounding where all those people are competing for more affordable

housing in some cases. You may have competition between people in the lowest income categories with people in higher income categories for some of that rental housing stock that you may not always see. In our census data I think in our ownership/rental rate we tend to see almost 50-50 which is quite a bit lower in homeownership than a lot of communities see. We see a lot of people in rental housing.

Grant Specialist Lindberg stated, that statistic is available too. I don't think I included that map in here but I could have - the homeownership rates and rental rates. We have areas of town where we have a substantial population of people that are at risk for homelessness because their rent could go up. We have areas of town where people are at risk for homelessness because of housing instability or housing insecurity. I was curious what this was so I looked it up today and think of the people who are couch surfing or don't have a permanent address or are staying with family members or friends or at extended rent hotels. We do have a significant population of people that are potentially at risk of losing their house because their housing isn't a stable situation. This gives you a general overview of these previous maps of some of the broader issues we have in the community. As I mentioned, we also have to show how any activities or goals that we're trying to achieve meet one of the national objectives. One of the ways is showing that you are actually meeting some sort of area benefits. An area that can benefit from CDBG funds has to have at least 51% of its households be of low to moderate income. The census tract, which we talked about earlier, that had high housing cost burden also has 51.8% of its households at low to moderate income. But it doesn't seem to tell the whole picture. If you're familiar with census data the tracts are larger areas and you break it down into block groups of blocks. When you start looking at the census blocks you see that we actually have six census defined areas that have low to moderate income populations. Another guy on staff and I just picked names because they seemed to make sense. They don't really mean anything other than to us and they are not hard and fast. We just want everybody to know that. The big surprise to me was in the area we called Washington School with 91% of its households at low to moderate income. I'll show you a map. Washington annex is over here on 4th and B. This one we called the High School census block and that is adjacent to the high school. It goes from D Street on the south up to Savage on the north and from Dean on the west to Beacon on the east. This has 54% of its households at low to moderate income. The yellow denotes public housing or housing that receives a federal subsidy of sorts. Here is Washington School in the purple. It is generally from 6th Street west to Dimmick and from G Street south up to A Street on the north and it is the 91% low to moderate income households. I

think they go to Highland elementary. I used to live in that neighborhood but I didn't have kids at the time so I don't know where they went. Does anybody know? The next one we called Old Town which encompasses downtown west Oak Street and south to Bridge Street and this one had 66% low-mod households. Then, Southeast, Riverside, and Fruitdale they're all contiguous. What we called Southeast had 60% low to moderate income households. I believe population change data is available. It appears right now the data that is available to make these maps is at the census tract level. We would have to try to work with somebody that is better with census data work it out at the block level if it's available. Riverside has 51% low-mod income, it's actually about 50.8% it's barely 51%. Fruitdale, which is south of the river, we're looking at 60% low-mod housing. It is also where we have two of our low income housing properties and that may account for why the population is higher than other places. When you compare it to Washington School or Old Town where there are no publically assisted housing facilities you see a big discrepancy in where low-mod populations actually are in Grants Pass, which was surprising to me. The neighborhood concern, if you're not aware, is there is already a high concentration of publicly assisted housing in the area. There are two publicly assisted housing developments there.

Commissioner MacMillan stated, go back to the one where Old Town is. I'm just curious and I'll stop asking questions. Is it unusual to not have public housing but have that percentage be so high? That's really weird isn't it? You would think the publicly assisted housing would reside in that neighborhood but it didn't. Maybe I'm wrong. Am I making the wrong connection here?

Senior Planner Schauer stated, I think throughout the community there is probably a lot of privately owned rental housing. You've probably got people participating in places throughout the community where they accept Section 8 vouchers that aren't designated as publicly assisted properties. I'm guessing the entire property isn't publicly assisted but someone who receives assistance can use those vouchers at those housing locations. It's a program that Josephine County Housing Council administers.

Grant Specialist Lindberg stated, in these two areas you have locations where you don't have population. For instance, this census tract also encompasses the railroad tracks. The Old Town block also has the downtown core. You do have areas where you have a relatively low population density but the areas where you have a big population are where you have low mod households, I guess. I don't know if it's weird there aren't any publicly assisted housing

developments in these areas. That is something Teresa from the Housing Council might be able to better answer. I can't, I wish I could. We talked about previous community input. These are a grouping of the items, we had overlapping and duplicates, but these are the general issues that the community stakeholders in previous input brought to our attention.

Commissioner MacMillan asked, is the sobering center the one that our woman City Councilman, Morgan, had encouraged?

Grant Specialist Lindberg stated, Council seems to be very supportive of the sobering center which is a place to take people that are intoxicated and a danger to themselves or others so they can sober up and then go home and reevaluate themselves. The police only have the option of either taking them home which in some cases is not desirable or taking them to the hospital which is also not desirable so this is the mid-step. As you can see a lot of the community needs that have already been identified you can show there is a direct relation to the national objectives. We have low-income housing and that is one of the identified national objectives. We have accessibility needs identified which also meets one of the national objectives. Transient services, low-income housing assistance, etc. these are some of the preliminary things that have been identified. This list is comprehensive from what we have received. It is not comprehensive of all of the community needs. We haven't received substantial input from anybody else yet on any other needs for the program. Here's the timeline. We are right here. What we are doing is the Planning Commission is acting as a Citizens Advisory Committee and allowing additional opportunity for community members to speak to provide input. We're also hoping we can get some sort of direction on if you have any other semblance of community development needs or housing needs or any other CDBG issues that we need to be looking at as part of our five-year consolidated plan. You have been asking questions throughout which is great. If you have more questions I'm happy to answer them or if anybody from the public has any. Seeing none what I would recommend then is to ask if there are any members of the public that would like to provide the Planning Commission some input on community development or urgent community needs or housing needs. I'm asking if you can do that at this meeting tonight.

Chair Fitzgerald stated, we have a deal but there's nobody here. You'll hear it when you walk out. We have one at the beginning and one at the end every time. We have citizen involvement

committee and items from the public. They can speak about anything they want for involvement, but do you want that to be the CAC time?

Senior Planner Schauer stated, I think we have that on the agenda as a separate item under a public workshop rather than as a Citizen Advisory Committee and so you are inviting the public to speak specifically on this topic. Once you are done with your questions for Scott, if you have any further discussion or input, then we want to make sure people are aware of what the next steps are and there will also be an opportunity for public involvement. Subsequently, once this project goes through and the consolidated plan is adopted, the five-year plan, Scott talked about those annual up dates to the plan that have to occur. I think there's a potential role for the Planning Commission to hold a similar type of workshop, provide input, and hear from the public as we go through those annual updates as well. Essentially, the next steps following this evening are to complete the draft consolidated plan, take that to City Council, there will be a 30 day comment period on that plan, and then revisions can be made before that eventually gets submitted for review. This is probably the last meeting for input and discussion and letting people know what's coming up before the actual comment on the draft plan itself.

Vice Chair Coulter stated, Tom, I'm guessing on the out years that we are going to go along the same kind of timeline each year? You should be constantly looking at your strategic plan and I highly recommend doing it every year because as this grows legs as it should we want as much public comment as possible.

Senior Planner Schauer stated, you do your five-year plan and your consolidated plan in five-year increments and you have your action plan component you are updating every year so things are moving from the later years into your first year where you are doing the projects.

Vice Chair Coulter stated, yes but we're still going with this timeline each year?

Grant Specialist Lindberg stated, it's the general timeline. The specific dates may change, but yes, the process is the same every year generally speaking.

Vice Chair Coulter stated, the big key here is every year is all the way to where there is public comment. I want to make sure that in the out years we are doing that. We are getting full opportunity for public comment.

Grant Specialist Lindberg stated, yes, and we have to. Our citizen involvement plan that is approved by HUD follows this outline. We have to provide full public involvement every year not only on the proposed action plan, but at the conclusion of each program year we have to do a public evaluation of how the year's activity went and provide additional public comment on the previous year's activities. I will turn it over to the Planning Commission to discuss and invite the public to speak and provide any input

6. CITIZEN INVOLVEMENT COMMITTEE:

a. Items from the Public

Chair Fitzgerald asked, public involvement - do we have anyone who would like to address the workshop? Name and address for the record.

Ms. Johnson stated, my name is Ellen Johnson and my address is 514 NW Manzanita. I am the development director at Options for Southern Oregon. In 2006 we received an \$800,000 CDBG grant which helped us purchase a building when they were transferring Josephine County Mental Health to our organization. Having that money was instrumental in being able to get a lot of private funding. The building we got was \$2.5 million so we had to raise the rest of the money privately and we did so successfully. We were going to apply for another one but the food bank decided that they really wanted it so we backed off and allowed them to move forward because we felt that was really important in our community. It is a really competitive process. You have to write really well and show the need in your community. It is getting a lot harder to do that. Since 2006 I think we've only received about two or three grants.

Grant Specialist Lindberg stated, for building projects - yours, the food bank, and Head Start, so three.

Ms. Johnson stated, granted, the numbers are a lot bigger for those grants but there are a lot more organizations in our community that are seeking these funds and having a set amount of money is not a bad idea to be able to have something that is dependable for a project. If you didn't use it for project I wish the whole amount could be rolled over into another year but it doesn't sound like that is possible. 70% has to be used?

Grant Specialist Lindberg stated, yes 70% of the expenditures has to meet the low-mod population, but any unused funds can roll over to the next year. You just have to show that at least 70% of the funds you're using in any given program year meet the low-mod requirements. Tom wants me to add there is a program called the Section 108 Loan Program and this is something we don't have access to at the State level. It can increase the effectiveness of our CDBG allocation. What you can do is if there is an identified community need, some large project, that is going to address low-mod issues such as a housing project or a community facility or something like that which will cost more than your annual allocation you can ask HUD for a loan of up to five years worth of your annual allocations to be received all in the first year. You would spend the funds to do what you need to do and then you don't receive any more funds for the rest of your five-year program. I should have mentioned this. You can combine the funds to do larger scale projects. It's typically not done in a lot of jurisdictions, especially smaller ones, but it is certainly an option we would have available.

Ms. Johnson stated, I think the money is really important to the community because a lot of the people that came to the table are nonprofits in our area. We do have access to additional funds. Building nowadays is really expensive but at least having some seed money like that actually helps you over that hurdle to be able to get additional funding. They want to make sure you have a start to something. I don't know if anyone has any questions?

Chair Fitzgerald asked, would anybody else like to speak to the Urban Area Planning Commission tonight on public involvement?

Ms. Arthur stated, my name is Loree Arthur, Grants Pass. I'm pretty clear on the housing part of this but like this last thing you were just talking about would this be a way we could meet that need the City Council has been talking about of consolidating all of the problem things into one vicinity? I don't see how it meets exactly the low income housing.

Grant Specialist Lindberg stated, it could be limited clientele. I'm assuming you're talking about consolidating some of the outreach facilities? Yes, so you would show that at least 51% of your clientele is low to moderate income. That is one of the tests you can use – 51%.

Commissioner Kellenbeck stated, you introduced us to the topic tonight. Do you anticipate having other workshops in this year and having the Planning Commission be the forum for those workshops?

Grant Specialist Lindberg stated, the short answer is yes and the long answer is we're still working on how that is going to look. At this point in time we are looking at potentially doing something quarterly maybe semiannually to receive interim feedback on the project and see how things are going. If the Planning Commission and City Council are agreeable to it perhaps make this a regular agenda item –

Chair Fitzgerald asked, you mean you want it done periodically throughout the year on a quarterly basis not every agenda?

Grant Specialist Lindberg stated, right, and essentially make the UAPC the CAC for the CDBG program.

Commissioner Kellenbeck stated, in order to do that...like tonight there was no real advertisement so we have no citizens sitting here to –

Grant Specialist Lindberg stated, well it was part of the agenda. This isn't actually a public hearing at this point in time. It is a chance for additional public input. It's on the record, but there is no decision being made.

Commissioner Kellenbeck, stated, I would think that if you're advertising for folks to be here tonight and they had an interest they would show up. They probably didn't get that kind of notice.

Grant Specialist Lindberg stated, and we didn't send out direction notice to the stakeholders. This was simply another forum to solicit additional information and different input from a wider community not targeted as much to the stakeholder groups.

Commissioner MacMillan stated, I just want to make sure I understand the timeline because this is really exciting stuff and I mean that. I'm gone the month of July but it doesn't seem to matter

because from July 1st to July 31st you're going to post the draft online. We won't have a meeting then, but will we have a meeting July 31st?

Grant Specialist Lindberg stated, thank you for bringing this up so I can clarify it for you. We will receive public comment for those 30 days between July 1st and July 31st. Then, what happens is we begin the internal review, as HUD calls it, where we take any of the comments that have been received and we look at them and we propose any changes in the draft consolidated plan to address those comments if we can. If we can't then we just show how we have received the comments and there is no way to address them with the program we have. Then it goes to HUD. I don't know if there has been any decision made yet if the UAPC will vet those comments. We haven't thought of that part. If that is one of your suggestions we certainly will.

Commissioner MacMillan stated, I think it should be. So the 14th is the last day to submit it. When do we have our meetings? The first and third or second and fourth? The second and fourth so we could look at it on August 26th. Does that give you enough time?

Grant Specialist Lindberg stated, no, the final draft has to be to HUD by August 14th.

Vice Chair Coulter stated, so it would need to be in July that we do it, towards the end of course, well, it would have to be the first part of August because we want to comment after the end of the 30 day comment period. We want it vetted.

Senior Planner Schauer stated, I'm trying to think out loud through this. Once those comments are in it's probably a pretty quick turnaround between the end of the comment period on the preliminary draft and the revisions to the final draft. That is something we should discuss about what roll you might have in vetting versus what role you might want to have during that 30-day comment period independent of what comes in. You may want to comment or hold something where people can talk with you. You may want to, as a Commission, provide comment during that period or as individuals.

Commissioner MacMillan asked, thinking out loud again would August 5th be a good time to have a meeting?

Grant Specialist Lindberg asked, is that the first Wednesday of the month?

Commissioner MacMillan stated, yes.

Grant Specialist Lindberg stated, there is probably a City Council meeting that night.

Commissioner MacMillan asked, are they in Portland? How about the 29th? The 29th would be the day before but that is okay. We still would have comments. There'd be a couple days left.

Grant Specialist Lindberg stated, here's where I'm going to sound like a bureaucrat. Since I'm not in the Planning Department and I don't report to the CD director I don't want to speak for her but what we certainly can do is –

Commissioner MacMillan stated, to look into it.

Grant Specialist Lindberg stated, we will and Lora would have been here tonight but I guess she wasn't feeling well.

Vice Chair Coulter stated, I recommend that because we need to continue. When we do that include the public on that because whatever comments we can get...the more information, to me, the better. The more citizen involvement we get hopefully it will be a leverage multiplier over the out years. As this thing grows, the more citizen involvement, and the more the wheels are turning. Ellen and I were in the Ford Leadership class together and you have lots of money that can be available not just this but in the big picture and other people, other organizations, giving money. This thing really happens. I strongly want to see us somewhere in that, even if it is 20 days out instead of 30 days, involved in another workshop just like tonight with the citizen involvement comment period. What does everybody think?

Grant Specialist Lindberg stated, to provide a little advice that we were given from our HUD representative since we are taking our first steps he really did recommend we learn to crawl first. Apparently, there have been some communities in Oregon that wanted to walk before they crawled and are having some trouble meeting their goals. They bit off more than they could chew. His suggestion is that we start out small for our first consolidated plan and not do as many activities. That is part of something that will have to be hashed out through the rest of the public involvement process is how do we prioritize the funding we have and try to meet as many

community needs as we have yet still not get ourselves in so far over our heads that we don't know exactly how to do it? We have a limited number of staff people that can work on this so that is something I'm trying to bring to your attention so we don't have as many splitting of the baby, so to speak.

Vice Chair Coulter stated, but I'm guessing in the baby steps that if we have another workshop the middle of July, our second week in July, we're not going to get a ton more information and we're going to be able to vet a little bit of the 15 days. We may need to make a motion up here Mr. Chairman to recommend that forward. I really want it. I can't say it any stronger than I really want it. I think it would be beneficial for us, the citizens, and you guys and I think it's just going to be baby steps anyway. That is my recommendation Mr. Chairman.

Chair Fitzgerald stated, I will not do that, but I will make a recommendation that since Lora is not here that you carry the message back to Lora and tell her the second week of July it is possible it could be discussed. Leave it in her lap to decide whether that is the appropriate time. We do not know what other planning (inaudible) are coming forward at all. It would be inappropriate for us to block that time not knowing anything else. We will leave that in her hands.

Senior Planner Schauer asked, did you say the second week or the second meeting in July?

Chair Fitzgerald stated, the second week he said.

Vice Chair Coulter stated, the second week at our meeting.

Chair Fitzgerald stated, which would be the first meeting.

Commissioner MacMillan stated, I personally would like it at the end of July because I'm not going to be here for the second meeting in July so I wanted to get that out there.

Chair Fitzgerald stated, that is what I would prefer if that's okay with you.

Vice Chair Coulter stated, so leave it up to Lora.

Commissioner McVay asked, why can't we expand the timeline to make it more applicable?

Vice Chair Coulter stated, you're thinking what I'm thinking about. Are you talking about...oh, expanding the timeline. You can't go past October 1st, right?

Senior Planner Schauer stated, there are certain deadlines. There has to be a 30-day comment period. We have a deadline where it has to be turned around, revisions incorporated, and submitted to HUD where it's a pretty tight timeline.

Commissioner McVay asked, it is ironclad? You can't go past that then?

Grant Specialist Lindberg asked, you mean past August 1st? That is the last day that HUD can receive the final plan, get it published, and meet October 1st deadline to begin the program. They have their statutory requirements for timelines at the national level too.

Chair Fitzgerald asked, so hence the second week in July which would be the first meeting in July would be better than the last one because of the time crunch, right Lois? May I suggest if you're going to have these things you want vetted that you get them into the hands of the Urban Area Planning Commissioners early and often. Don't wait until a meeting because if someone has a discrepancy in there you are going to have it all pile up so you won't get a decision. Get them to us so we can read them ongoing, I would prefer.

Senior Planner Schauer stated, okay.

Chair Fitzgerald stated, that way if there's a question we can get it cleared up before the meeting night and it doesn't stop it.

7. ITEMS FROM STAFF: None

8. ITEMS FROM COMMISSIONERS:

Commissioner MacMillan stated, I will be gone near the end of June from our last meeting in June because I'm teaching at the University of Virginia and then in the middle of the month I'm

at Ohio State and then onto the University of Montana so I'm kind of gone there little bit. I'm sorry. I can always e-mail you all.

Chair Fitzgerald stated, hopefully we will have others so we won't be lacking.

Vice Chair Coulter asked, because you're going to be gone and we're missing two Planning Commissioners do you know where we're at Tom in the process of getting two more seats filled?

Senior Planner Schauer stated, I don't know at all. I'm sorry I don't have that information.

Vice Chair Coulter asked, can you get back to us or have Lora get back to us because it puts us in a quandary. If Lois is gone that is five of us and we have to have all five to have a quorum.

Senior Planner Schauer stated, we can also certainly check on what happens when you have vacancies. If you have a majority of the filled seats present that should qualify as well. I will see what I can find out for you on where those are at.

Chair Fitzgerald stated, commissioners next meeting is June 10th.

9. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 7:50 P.M.

Gerard Fitzgerald, Chair
Urban Area Planning Commission

Date

These minutes were prepared by contracted minute taker, Becca Quimby.

**CITY OF GRANTS PASS
PARKS & COMMUNITY DEVELOPMENT DEPARTMENT**

**HEFLEY STREET PARTITION
& MAJOR VARIANCE
FINDINGS OF FACT**

Procedure Type:	Type III: Planning Commission
Project Number:	15-10300003 & 15-30100004
Project Type:	Land Partition & Major Variance
Owner:	Mitchell & Loraine Arnold
Applicant:	Same
Surveyor:	Peter Allen Surveying
Property Address:	1011 NE Hefley Street
Map and Tax Lot:	36-05-21-BB, TL 1010
Zoning:	R-1-8 (City Limits)
Size:	1.26 acres
Planner Assigned:	Justin Gindlesperger
Application Received:	April 23, 2015
Date Complete:	April 23, 2015
Date of Report:	May 20, 2015 Due Date: 05/20/2015
Hearing Date:	May 27, 2015
Date of Findings:	June 10, 2015
120 Day Deadline:	August 21, 2015

I. PROPOSAL:

The application is a request to partition Tax Lot 1900, located at 1011 NE Hefley Street into two parcels. The property is in the R-1-8 residential zoning district and is currently undeveloped. The application includes a request for a Major Variance to the minimum lot width for the zoning district. Parcel 1 is proposed to have a width of 60-feet where 65-feet is required. The tentative plan identifies Parcel 1 as 11,173 sq. ft. and Parcel 2 as 43,780 sq. ft. in size.

II. AUTHORITY & CRITERIA:

Section 2.050, Schedule 2-1, Section 6.050 and Section 17.031, of the City of Grants Pass Development Code, authorize the Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny. The decision must be based on the criteria contained in Sections 6.060 and 17.312 of the *Development Code*.

III. APPEAL PROCEDURE:

Section 10.050, *City of Grants Pass Development Code*, provides for an appeal of the Urban Area Planning Commission's decision to the City Council. An appeal application and fee must

be filed within 12 calendar days from the date of the Urban Area Planning Commission's oral decision. A statement of grounds to the appeal must be filed within 7 calendar days of the Urban Area Planning Commission's written decision.

IV. PROCEDURE:

- A. An application for a Partition and a Major Variance was submitted on April 23, 2015 and deemed complete on the same date. The application was processed in accordance with Section 2.050 of the Development Code.
- B. Public notice of the May 27, 2015 hearings was mailed on May 6, 2015, in accordance with Section 2.053 of the Development Code.
- C. A public hearing was held on May 27, 2015 and the Planning Commission voted unanimously to deny the Major Variance request.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the Staff Report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on May 27, 2015, attached as Exhibit "C", summarize the oral testimony presented and are hereby incorporated herein.
- C. The PowerPoint given by staff is attached as Exhibit "C".

VI. FINDINGS OF FACT:

The Urban Area Planning Commission found that based upon the testimony given at the public hearing and the staff report, the proposal did not meet the criteria in Sections 6.060 and 17.312 of the Development Code based on the reasons stated in the findings included below.

Note: ***Bold Italic Text*** indicates text added by the Commission that was not contained in the staff report. ~~Strikeout Text~~ indicates deletions made by the Commission.

VII. GENERAL FINDINGS OF FACT:

A. Characteristics of the Property:

1. Land Use Designation:

- | | |
|------------------------------|---------------------------------|
| a. Comprehensive Plan: | Low-Density Residential |
| b. Zone District: | R-1-8 |
| c. Special Purpose District: | Grants Pass Irrigation District |

2. Size: 1.26 acres

- | | |
|------------------------|--------------------------------------|
| 3. Frontage: | NE Hefley Street |
| 4. Access: | NE Hefley Street |
| 5. Public Utilities: | |
| a. Existing Utilities: | |
| i. Water: | 6-inch main in NE Hefley Street; |
| ii. Sewer: | 8-inch main in NE Hefley Street; |
| iii. Storm Drain: | None identified. |
| b. Proposed Utilities: | None identified |
| 6. Topography: | Relatively flat to moderately sloped |
| 7. Natural Hazards: | None identified |
| 8. Natural Resources: | None identified |
| 9. Existing Land Use: | |
| a. Subject Parcel: | Vacant |
| b. Surrounding: | Low Density Residential |

B. Background:

The application is a request to partition Tax Lot 1900, located at 1011 NE Hefley Street into two parcels. The existing lot lines for the Tax Lot 1900 were configured as part of a property line adjustment in 2008, recorded as Partition Plat 2008-48. The tentative plan identifies Parcel 1 as 11,173 sq. ft. and Parcel 2 as 43,780 sq. ft. in size.

The application includes a request for a Major Variance to the minimum lot width required in the R-1-8 zoning district. Parcel 1 is proposed to have a width of 60-feet where 65-feet is required. Minimum lot size of 7,000 square feet will be maintained. Development of the individual parcels will require plans demonstrating new structures comply with the remaining minimum lot requirements, consistent with Section 12.152 and Schedule 12-5 of the Development Code.

The proposed parcels have frontage and are accessed along NE Hefley Street, a public right-of-way. At the time of development, a new driveway approach shall be installed in accordance with Grants Pass Standard Drawing 104-A. NE Hefley Street is a substandard urban street due to lack of improvements, including sidewalks that conform to current standards. Additional right-of-way dedication will be required along Hefley Street for the installation of sidewalks for both parcels.

Public utilities are located in the right-of-way for NE Hefley Street. Separate water and sewer services are required for separate tax lots. Private water and sewer laterals are not permitted to cross property lines. Prior to development for Parcel 1, the existing 4-inch sewer tap shall be repaired. Gravity sewer service is not possible for future development on Parcel 2. The use of a

private sewage grinder pump is acceptable for single-family development, provided the pressurized discharge does not directly enter the public gravity sewer main.

The property is located within the Grants Pass Irrigation District (GPID). The property owner will be required to recalculate the rates for both properties, or buy out of the GPID. The owner will also be required to provide a 5-foot irrigation easement along the south property line of Parcel 2 and the west property line of both parcels.

One (1) letter commenting on the proposal was received in the comment period from an adjacent neighbor with concerns regarding the configuration of the partition and access to Parcel 2. The comment letter suggested relocating the proposed flag pole to the west of Parcel 1 due to the close proximity of a future access for Parcel 2 to tax lot 2000 to the east. An access along the west side of the subject parcel would impact more properties. As noted above, GPID has requested easements along that property line and an access may impact their facilities.

VIII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

A. Major Variance Criteria – Section 6.060

Previously granted variances shall not be considered to have established a precedent. The review body shall approve, approve with conditions, or deny the application. No variance shall be granted unless the review body finds that all of the applicable criteria under (A) and (B) have been satisfied.

- (A) Qualifying Condition. The applicant shall demonstrate that the following elements are present to qualify for a variance.

CRITERION (1): Unique Physical Constraint or Characteristic. The applicant has clearly described the nature of a unique physical constraint or characteristic of the property to which the variance application is related. The constraint is related to the particular property for which the variance is sought, regardless of the owner, and it does not relate to other property or personal conditions of the owner or applicant, such as personal financial circumstances or inconvenience. Either:

- (a) The property has unique physical constraints or characteristics peculiar to the land involved, over which the applicant has no control, such as lot size or shape, topography, natural features, or other physical conditions on the site or in the immediate vicinity, which are not typical of other lands in the same zoning district subject to the same regulation; or
- (b) The property has existing development, conforming or nonconforming, located such that it poses unique constraints to the further development of the property in full compliance with the standards of this Code.

Planning Commission Response: Satisfied. The variance request complies with subparagraph (a) above. The current lot configuration was established as part of Partition Plat 2008-48. The subject property is oversized and uniquely shaped that makes this property difficult to further divide. The variance to the minimum required

lot width in the R-1-8 zoning district will allow flexibility of the property and provide additional development that integrates into the surrounding development.

CRITERION (2): Self-Created Constraint. If the review body finds the unique constraint described in Subsection (1) was self-created, the property shall only qualify for a variance if the review body determines that the self-created constraint can no longer be reasonably eliminated or reversed, or that it is in the public interest to grant a variance rather than require the owner to eliminate the self-created constraint. A situation shall be considered self-created if:

- (a) A current or previous owner created the unique physical constraint or characteristic by dividing, reconfiguring, or physically altering the property in a manner such that it could only be subsequently developed, or further developed, by obtaining a variance to the regulations in effect at the time of alteration; and
- (b) At the time the current owner altered or acquired the property, he could have known that, as a result of the deliberate alteration, the property could only be developed, or further developed, by obtaining a variance.

Planning Commission Response: Satisfied. The variance request complies with subparagraph (a) above. The current lot configuration was established as part of Partition Plat 2008-48 under different ownership. The variance to the minimum required lot width in the R-1-8 zoning district will allow flexibility of the property and provide additional development that integrates into the surrounding development.

CRITERION (3): Need for Variance. The applicant has demonstrated that a variance is necessary to overcome at least one of the following situations:

- (a) Allow Reasonable Use of an Existing Property. Due to the unique physical constraint or characteristic of an existing lot or parcel, strict application of the provisions of the Development Code would create a hardship by depriving the owner of the rights commonly enjoyed by other properties in the same zoning district subject to the same regulation. The variance is necessary for preservation of a property right of the owner, substantially the same as is possessed by owners of other property in the same district subject to the same regulation.
- (b) Better Achieve Public Purpose for Development, Division, or Adjustment of Lots and Parcels. There need not be a hardship to the owner to qualify for a variance under this Subsection. Due to the unique physical constraint or circumstance, the variance is necessary to better achieve the public purposes of the Comprehensive Plan and Development Code, with minimum deviation from standards. The variance will allow preservation of scenic, natural, or historic resources or features; allow a lot arrangement that represents a more efficient use of land; avoid odd shaped lots or flag lots; or alleviate other unique physical conditions to better achieve public purposes.

- (c) Allow Flexibility for Expansion of Existing Development. The location of existing development on the property poses a unique constraint to expansion in full compliance with the Code. The variance is needed for new construction and site improvements in order to provide for efficient use of the land or avoid demolition of existing development, where the public purpose can be substantially furthered in alternate ways with minimal deviation from standards.

Planning Commission Response: Satisfied. The variance is necessary to overcome the conditions described under sub criterion (a) & (b) above. The subject property is oversized and uniquely shaped that makes this property difficult to further divide. The variance to the minimum required lot width in the R-1-8 zoning district will allow flexibility of the property and provide additional development that integrates into the surrounding development.

CRITERION (4): No Other Reasonable Alternative. Reasonable alternatives to comply with the provisions of the Development Code have been exhausted. No reasonable alternatives have been identified that would accomplish the same purpose in accordance with the Code without the need for a variance. If applicable, the applicant shall, at a minimum, demonstrate that the following are not reasonable alternatives instead of the requested variance:

- a. Lot line adjustment.
- b. Modified setback option, pursuant to Section 22.200.
- c. Alternate solar standards, pursuant to Section 22.623.

Planning Commission Response: Not Satisfied. ~~The above alternatives are not viable solutions for a request to reduce the minimum lot width requirement. A lot line adjustment, modified setback option or alternate solar standard are not applicable to helping alleviate the need for the variance.~~ ***The Planning Commission found that there are reasonable alternatives to comply with the provisions of the Development Code for development on the subject parcel.***

- (B) Result of Relief. If the review body finds the proposal for a variance based on the criteria in Subsection (A) above, the review body shall only approve the proposal if it finds the specific proposal is consistent with the following criteria.

CRITERION (5): Best Alternative. When a variance is needed for a purpose identified in Subsection (3) above, the proposed variance shall be the best alternative to achieve the purpose compared with variances to other standards that could accomplish the same purpose. The best alternative will be the most consistent with the overall purpose of the Comprehensive Plan and Development Code, with the least impact to other properties and the public interest. Impacts to public facilities, substantial natural features, and natural systems shall be presumed to have broader public impact than localized impacts on nearby properties.

Planning Commission Response: Not Satisfied. ~~Approval of the variance will not be detrimental to the Comprehensive Plan or Development Code and will have the least impact to other properties. The best alternative is to approve the variance and partition as proposed.~~ ***As noted above, the Planning Commission found that there are reasonable alternatives for development on the property. The***

applicant did not provide a future development plan for Parcel 2 and the Planning Commission found that the applicant did not demonstrate the proposed alternative is the best alternative.

CRITERION (6): Minimum Deviation. Adherence to the standards of this Code shall be maintained to the greatest extent that is reasonably possible while accomplishing the purpose in Subsection (3). The deviation from standards shall be the minimum necessary to accomplish the purpose, and shall not convey a special right to the property that is not available to properties in the same zoning district subject to the same regulation.

Planning Commission Response: Not Satisfied. ~~The proposed narrowed width of 60 feet has been set as close to the required 65 feet as possible, while maintaining the 20-foot flag pole minimum width for Parcel 2. No special right or benefit will be provided to the applicant other than allowing him to develop individual homes on the lots, as originally intended. As conditioned below, the applicant is required to provide a plan that illustrates future development on the parcels will comply with the remaining lot requirements in Section 12.152 and Schedule 12-5.~~ ***Because of the denial of the Major Variance, conditions cannot be placed on the application.***

CRITERION (7): No Hazard. The proposal shall not pose a public safety hazard such as a visual obstruction or traffic hazard, and shall not obstruct pedestrian or vehicular movement or impede emergency access.

Planning Commission Response: Not Satisfied. ~~The proposed variance request will not pose a safety hazard. NE Hefley Street is a substandard urban street due to lack of improvements, including sidewalks that conform to current standards. Additional right-of-way dedication will be required along Hefley Street for the installation of sidewalks for both parcels.~~ ***Because of the denial of the Major Variance, conditions cannot be placed on the application.***

CRITERION (8): Plan and Ordinance Consistency. The proposal shall not adversely affect implementation of the Comprehensive Plan, and shall not be materially detrimental or injurious to the purposes of the Comprehensive Plan or Development Code; other applicable plans, policies, or standards; or other properties in the same district or vicinity.

Planning Commission Response: Satisfied. The requested variance will not adversely affect the implementation of the Comprehensive Plan nor will it be materially detrimental or injurious to the purposes of the Comprehensive Plan or the Development Code.

CRITERION (9): Mitigate Adverse Impacts. Adverse impacts shall be avoided where possible and mitigated to the extent practical. If a variance is not necessary to preserve a property right, or if the unique constraint in Subsection (1) was self-created, adverse impacts may be grounds for denial.

Planning Commission Response: Not Satisfied. ~~As previously noted, there are no adverse impacts foreseen by allowing the requested variance to the minimum lot widths in the R-1-8 zoning district.~~ ***The Planning Commission found that the proposed alternative would create adverse impacts to adjacent neighbors. The***

applicant did not provide mitigation for potential impacts, such as locating the flag portion of Parcel 2, which would contain the driveway to future development, adjacent to an existing residence on tax lot 2000.

CRITERION (10): No Significant Increase in Residential Density. For development of an existing lot, if the variance is for a reduction to lot area, it shall not result in a significant increase in density. For a land division, the variance shall not result in an increase in density over that permitted by the zoning district, except that when a lot is reduced in size due to dedication of right-of-way, minimum lot area may be reduced by fifty square feet or less.

Planning Commission Response: Not Satisfied. ~~The variance request does not apply to the residential density of the property. The tentative plan identifies Parcel 1 as 11,173 sq. ft. and Parcel 2 as 43,780 sq. ft. in size. Parcel 1 cannot be further partitioned and the maximum development potential for Parcel 1 will be completed with the construction of a single family residence.~~

~~The size of Parcel 2 enables future partition. As conditioned below, the applicant shall submit a future development plan for Parcel 2, in accordance with Section 17.540. ***Because of the denial of the Major Variance, conditions cannot be placed on the application.***~~

CRITERION (11): Recommendation of City Engineer. The review body shall consider a written recommendation of the City Engineer when the variance is to any of the following standards:

- (a) A street, access, or utility development standard in Article 27 or 28 of the Code.
- (b) The Flood Hazard or Slope Hazard provisions in Article 13 of this Code.
- (c) To allow encroachment into existing or planned right-of-way or public utility easement. When a variance is authorized to allow encroachment into a right-of-way, the owner shall sign a right-of-way use agreement that specifies the terms and conditions under which the right-of-way may be utilized.

Planning Commission Response: Not applicable. The variance request does not pertain to street access or utility development.

CRITERION (12): Additional Criteria. Variances from the street standards in Article 27 of this Code shall meet the additional criteria of 27.121(11)(h)(4) General Design Standards, 27.122(5) Connectivity Standards, and 27.123(14) Street Section Design Standards.

Planning Commission Response: Not applicable. Section 27.121(11)(h)(4), 27.122(5) and 27.123(14) are not applicable to the variance request to the minimum lot width requirement.

B. Partition Criteria – Section 17.312

CRITERION (1): The plan conforms to the lot dimension standards of Article 12, the base lot standards of Section 17.510, and the requirements of any applicable overlay district.

Planning Commission Response: Not Satisfied. ~~The proposed configuration reduces the width of Parcel 1 to less than the minimum width required for the R-1-8 zoning district. Upon approval of the variance request, the parcel width will be allowed to be less than the 65-foot requirement.~~

~~In accordance with the provisions in Section 17.510, the proposed parcels do not exceed the lot width to depth ratio. The proposed flag pole length does not exceed the length requirements of twice the length or width of the lot.~~

~~The proposal is not creating any through lots, the side property lines run at right angles to the street, and each parcel meets or exceeds the minimum twenty (20) feet of frontage on NE Hefley Street. **Because of the denial of the Major Variance, conditions cannot be placed on the Partition request.**~~

CRITERION (2): When required, the proposed future development plan allows the properties to be efficiently further developed, in accordance with requirements for typical permitted uses in the applicable zone and comprehensive plan district, and in conjunction with other development in the neighborhood.

Planning Commission Response: Not Satisfied. ~~The tentative plan identifies Parcel 1 as 11,173 sq. ft. and Parcel 2 as 43,780 sq. ft. in size. Parcel 1 cannot be further partitioned and the maximum development potential for Parcel 1 will be completed with the construction of a single family residence.~~

~~The size of Parcel 2 enables future partition. As conditioned below, the applicant shall submit a future development plan for Parcel 2, in accordance with Section 17.540. **Because of the denial of the Major Variance, conditions cannot be placed on the Partition request.**~~

CRITERION (3): When one is required or proposed, the street layout conforms to the applicable requirements of the adopted street plans, meets the requirements of Article 27 and other applicable laws, and best balances needs for economy, safety, efficiency, and environmental compatibility.

Planning Commission Response: Not Satisfied. ~~The proposal does not require a new street. Access for both parcels is on NE Hefley Street, a public right-of-way. As conditioned below, the applicant is required to dedicate five (5) feet of right-of-way and install sidewalks along the frontage of NE Hefley Street for both parcels. **Because of the denial of the Major Variance, conditions cannot be placed on the Partition request.**~~

CRITERION (4): The proposed utility plan conforms to the applicable requirements of adopted utility plans, the requirements of Article 28 and other applicable laws, and best balances needs for economy, safety, efficiency, and environmental compatibility.

Planning Commission Response: Not Satisfied. ~~City utilities, including water and sewer, are located along NE Hefley Street. As conditioned below, each parcel will be required to have separate water and sewer laterals that do not cross property lines.~~

~~A City Utility Easement (CUE) is required along all street frontages. As conditioned below, the applicant is required to submit a revised tentative plan that reflects a ten (10) foot CUE along NE Hefley Street. If no CUE exists along NE Hefley Street, a new CUE shall be dedicated on the final plat.~~ ***Because of the denial of the Major Variance, conditions cannot be placed on the Partition request.***

CRITERION (5): The tentative plan allows for the preservation or establishment of natural features or the preservation of historic features of the property including:

- (a) Providing the necessary information to complete the tree chart identified in Section 11.041.
- (b) No cuts shall result in retaining walls greater than 15 feet high in a single wall from the finish grade or create any un-retained slopes greater than 100%.
- (c) No fills may result in a retaining wall within the required setback from a property not included in the development plan greater than six (6) feet in height from the finish grade nor create any un-retained slopes greater than 100%.

Planning Commission Response: Not Satisfied. ~~The proposed parcels contain existing trees that have not been identified on the tentative plan. As conditioned below, the applicant is required to submit a canopy chart to show how the proposed development will maintain and/or re-establish tree canopy cover. The property is relatively flat to moderately sloped and will not require retaining walls or un-retained slopes.~~ ***Because of the denial of the Major Variance, conditions cannot be placed on the Partition request.***

CRITERION (6): The plan complies with applicable portions of the Comprehensive Plan, this Code, and state and federal laws.

Planning Commission Response: Not Satisfied. ~~Upon meeting the conditions of approval and recording of the partition plat, the proposal will be in compliance with the Comprehensive Plan, the Development Code and other applicable laws.~~ ***Because of the denial of the Major Variance, conditions cannot be placed on the Partition request.***

IX. DECISION AND SUMMARY:

The Urban Area Planning Commission **DENIED** the Major Variance to Section 12.152 and Schedule 12-5 and **DENIED** the two (2) lot Partition. The vote was 5-0 with Commissioners Coulter, Fitzgerald, Kellenbeck, MacMillan and McVay voting in favor. There were none against. Commissioners Arthur and McIntire were absent and there is one vacancy on the Commission.

X. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 10th
day of June, 2015.

Gerard Fitzgerald, Chair